

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

SUITS – Land Acquisition -Telugu Ganga Project –Lands acquired at velugodu village and mandal in Kurnool District for Construction of staff Quarters under TGP. – O.P.Nos.466,470,478,481,485,488&491 of 1999 on the file of the Sr.Civil judge Court at Atmakur- disposed off-Market value enhanced – Hon'ble High Court while dismissing the appeals has allowed the cross objections- SLP dismissed - Depositing of decretal amount in the respective court – Budget sanctioned – Orders issued.

IRRIGATION&CAD(PW.LA.II)DEPARTMENT

G.O.RT.NO. 35

Read the following.
Dated:07 .01.2009

- 1)From the Special Deputy Collector(LA) ,TGP,Nandyal Rc/209/2005,Dated:05.06.2008 addressed to the spl.Collector, SSP, Kurnool.
- 2)From the Special Collector, SSP, Kurnool Rc.No.A2/855/07, Dt.20.06.2008 addressed to the Government through CCLA , Hyderabad.
- 3) From the Spl CS to Government & CCLA'S REF.NO.S1/290/2008, Dated: 23.10.2008.

O R D E R:

The Special Deputy Collector, LA., TGP, Nandyal in his letter 1st read above, has reported that the dry lands in Survey No.1237 etc for an extent of Acres.17.19 of Velugodu village and mandal in Kurnool district had acquired by fixing the market value @ Rs.6500/- per acre through Award No.1/84 dated: 06.11.84 for Construction of staff quarters under TGP. Aggrieved by the market value fixed by LAO., the awardees have filed petitions u/s 18(1) of L.A.Act with a request to refer the matter to the Civil Court for adjudication and on making references u/s 18 to the Lower Court, the Senior Civil Judge, Atmakur had delivered Judgements enhancing the market value fromRs.6500/- to Rs.30,000/- per acre in O.P. Nos.466 ,470, 478, 481,485,488&491 of 1999 in addition to it, 12% Addl.Market Value on such market value from the date of 4(1) L.A.Act Notification till the date of Award i.e., 07.01.84 to 06.11.84, 9% interest per annum for the first year from the date of taking possession i.e., 07.03.84. to 06.03.85 and 15% P.A. thereafter till realization on the enhanced compensation amount and on solation too. The claimants have also entitled equitable interest at 7 1/2 % P.A. for five years on the differential Market value

2. Aggrieved by the market value enhanced by the Lower Court, the Special Deputy Collector, TGP, Nandyal has filed appeals in the Hon'ble High Court of A.P., Hyderabad .The Hon'ble High Court in its order dated:22.06.2007 has disposed of the appeals by enhancing the market value form Rs.30,000/- to 35,000/- per acre and granted the additional benefits already granated by the Lower court in A.S.No.142/2007etc.

(P.T.O.)

3. On the above judgement , the Government Pleader (Appeals) High Court of A.P., Hyderabad has opined that all the rainfed dry lands situated in Velugodu village which were acquired for the purpose of V.B.R was awarded Rs.20,000/- and the same was also confirmed by the Hon'ble Supreme Court. In the Circumstances , order passed by the Hon'ble High court by fixing the Market value @35,000/- per acre is excessive and these cases are fit cases to prefer appeal in these cases by way of SLP without further delay. In these cases , the enhancement of the Market value is 438%. Accordingly , the Special Deputy Collector has filed SLP in the supreme court of India. The Hon'ble Supreme Court of India has dismissed the S.L.Ps in its order dt:28.04.2008 . Consequent on dismissal of SLPs , the Special Deputy Collector, LA., TGP, Nandyal has submitted budget proposals to the Spl.Collector ,SSP, Kurnool with a request to recommend the same to the Government through the CCLA , Hyderabad to drop further action and sanction of decretal amount in these cases.

4. In turn, the Special,Collector, Srisailm project , Kurnool in his letter 2nd read above has submitted budget proposals for an amount of Rs.31,14,438/- towards payment of decretal charges in respect of O.P.Nos. 466 ,470 ,478, 481, 485 ,488 &491 of 1999 pertaining to Velugodu village and Mandal in Kurnool District through Chief Commissioner of land Administration , A.P., Hyderabad with a request to recommend for the same to the Government.

5. The Spl.CS to Government & CCLA Hyderabad in his letter 3rd read above while sending the above proposal of the Spl. Collector , SSP, Kurnool to the Government has reported that the Commisisoner ,Legal affairs has opined that , the Hon'ble High Court has disposed the batch appeals on 26.04.2007. and the High Court enhanced the market value and fixed at Rs.35,000/- per acre inspite of the fact the reference court has awarded equitable interest because of the delay in referring the matter to the civil Court. The High Court did not choose to interfere with the benefits that were awarded by the reference court in favour of the claimants and requested to take further action in the matter .

6. In the circumstances reported by the Special Collector, Srisailam Project, Kurnool in the references 2nd read above and in view of the report of Special Chief Secretary to Government and Chief Commissioner of Land Administration, Hyderabad thereon in the references 3rd read above, Government hereby accord sanction for an amount of Rs.31,14,438/- (Rupees Thirty one lakhs fourteen thousand four hundred and thirty eight only) towards payment of decretal charges to be deposited in the lower court to the credit of O.P.Nos.466 ,470, 478, 481, 485,488&491 of 1999 pertaining to Velugodu village and Mandal in Kurnool District in connection with the lands acquired for Construction of staff Quarters under TGP.

7. The Special Collector, SSP,Kurnool is, directed to deposit the above sanctioned decretal amount in the respective court after thorough verification of calculations made by the Land Acquisition Officer once again at his level and also verify the decrees and decretal charges if any, already paid. He is also directed to follow the directions of Hon'ble High Court dated 30-4-2007 in WP No.2181/2005 in depositing the above sanctioned decretal amount in the respective court.

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8. The amount sanctioned in para (1) above shall be debited to the detailed Head of Account "4701 –COL on Major and Medium Irrigation; 01 – Major Irrigation (Commercial); MH 123 –TGP; G.H. 11- Normal State Plan; S.H. (26) D&A Works ; 530 Major Works; 532 – Lands (charged)".

9. This order issues with the concurrence of Finance(W&P) Department vide their U.O.No.5266/F7(A2)/2008-1, dt.27-12-2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJIV RANJAN MISHRA
SECRETARY TO GOVERNMENT

To

The Special Collector, Srisailem Project, Kurnool,
The Special Chief Secretary to Govt. & Chief Commissioner
of Land Administration, Hyderabad
The Chief Engineer(P),Telugu Ganga project ,Srikalahasthi,Chittoor district
The Chief Engineer(P), Irrigation, Kurnool.
The Engineer-in-Chief, Irrigation, Errumanzil, Hyderabad
The Special Deputy.Collector, (LA),TGP,Nandyal
The Accountant General, AP, Hyderabad
The Director of Works Accounts, Hyderabad.
The District Treasury officer, Kurnool
The Joint Director, Works & Accounts TGP Cuddapah,
The Pay & Accounts Officer ,TGP,Nandyal
Copy to:-
The P.S.to Minister (Major Irrigation)
The P.S. to Secretary(Irrigation&CAD),
The Law Department
The Finance(Works & Projects)Department,
SF/SCs

//FORWARDED::BY ORDER//

SECTION OFFICER